

# EXHIBIT D

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CHASOM BROWN, WILLIAM BYATT,  
JEREMY DAVIS, CHRISTOPHER  
CASTILLO, and MONIQUE TRUJILLO  
individually and on behalf of all other  
similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No.: 5:20-cv-03664-LHK-SVK

PATRICK CALHOUN, ELAINE CRESPO,  
HADIYAH JACKSON and CLAUDIA  
KINDLER, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No.: 5:20-cv-05146-LHK-SVK

BENJAMIN HEWITT and KIMBERLEY  
WOODRUFF, on behalf of themselves and  
all others similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No.: 5:21-cv-02155-LHK-SVK

CASE NO. 5:20-cv-03664-LHK-SVK

CASE NO. 5:20-cv-05146-LHK-SVK

CASE NO. 5:21-cv-02155-LHK-SVK

[PROPOSED] ORDER RE: COORDINATION OF WRITTEN DISCOVERY

**[PROPOSED] DISCOVERY COORDINATION ORDER**

Before the Court is a joint request by the plaintiffs in the *Brown* Case (5:20-cv-03664-LHK-SVK); plaintiffs in the *Calhoun* Case (5:20-cv-05146-LHK-SVK); and plaintiffs in the *Hewitt* Case (5:21-cv-02155-LHK-SVK) for an Order permitting coordination of written discovery among the three cases (the “Request”), to minimize the burden and expense of duplicative discovery and permit for effective coordination.

Having considered the Request, and good cause having been shown, the Court **ORDERS** as follows:

1. For the purpose of this Order:

- a. The “*Brown* Case” refers to *Brown et al. v. Google, LLC* (No. 5:20-cv-03664-LHK-SVK).
- b. The “*Brown* Case Protective Order” refers to the Stipulated Protective Order, as Modified by the Court, in the *Brown* Case (Dkt. 81).
- c. The “*Calhoun* Case” refers to *Calhoun et al. v. Google, LLC* (5:20-cv-05146-LHK-SVK).
- d. The “*Calhoun* Case Protective Order” refers to the First Modified Stipulated Protective Order Governing Exchange of Confidential Discovery as Modified by the Court, in the *Calhoun* Case (Dkt. 61).
- e. “Contact Attorneys” refers to counsel designated by each party and identified on Schedule A.
- f. “Google” refers to Google LLC, the defendant in each of the Pending Cases.
- g. The “*Hewitt* Case” refers to *Hewitt et al. v. Google, LLC* (5:21-cv-02155-LHK-SVK).
- h. “Parties” refers collectively to Plaintiffs and Google.
- i. “Pending Cases” refers collectively to the *Brown* Case, *Calhoun* Case, and *Hewitt* Case.

CASE NO. 5:20-cv-03664-LHK-SVK  
CASE NO. 5:20-cv-05146-LHK-SVK  
CASE NO. 5:21-cv-02155-LHK-SVK

[PROPOSED] ORDER RE: COORDINATION OF WRITTEN DISCOVERY

j. “Protective Orders” refers collectively to the “*Brown* Case Protective Order” and the “*Calhoun* Case Protective Order,” as each may be supplemented and amended from time to time.

2. Counsel for the parties in each Pending Case shall be bound by this Order.

### **COORDINATION OF WRITTEN DISCOVERY**

3. Plaintiffs in any of the Pending Cases that serve or have served a written discovery request propounded under Rules 31, 33, 34, or 36 on Google in any of the Pending Cases shall provide a copy of the request to the Contact Attorneys in each Pending Case.

4. Google shall serve any responses to written discovery requests propounded by the plaintiffs in any of the Pending Cases, including responses previously served, to the Contact Attorneys in each of the Pending Cases, except insofar as such responses relate solely to one or two of the Pending Cases, in which case Google may redact those portions from the version produced in the other Pending Case(s).

5. Google shall produce any documents responsive to a written discovery request served by the plaintiffs in any of the Pending Cases, including documents already produced, to the Contact Attorneys in each of the Pending Cases, except insofar as such documents relate solely to one or two of the Pending Cases, in which case Google may withhold those documents in the other Pending Case(s).

6. For ease of coordination, Google shall include a separate bates stamp on every document for each Pending Case in which the document is being or has been produced. This means that certain documents will be produced with multiple bates stamps, one for each Pending Case in which it is being produced.

7. Whenever Google believes that material being produced in one Pending Case relates solely to that Pending Case, or solely to two of the three Pending Cases, Google shall notify the Contact Attorneys for the plaintiffs in all of the Pending

Cases, including by identifying the material by bates number. The Contact Attorneys for the Parties shall meet and confer in good faith to discuss any disputes about whether Google should be producing such material to the plaintiffs in each of the Pending Cases and then if necessary present any disputes to the Court.

8. Within 14 (fourteen) days of this Order, Google shall produce to the plaintiffs in the Pending Cases all materials that Google has produced in the other Pending Cases, subject to the exclusions discussed in paragraphs 4-5.

**DISCOVERY COORDINATION AMONG PLAINTIFFS' COUNSEL**

9. Counsel for the plaintiffs in the Pending Cases shall discuss discovery in the Pending Cases to allow for more efficient and coordinated discovery, and the Protective Orders are hereby modified to allow for those discussions.
10. The Protective Orders are hereby modified to permit the disclosure and production of information designated by Google as Protected Material (as defined therein) by the attorneys for the plaintiffs in any of the Pending Cases to the attorneys for the plaintiffs in any other Pending Cases, with such information then treated as Protected Material subject to the protective order in each such Pending Case and to be used solely for purposes of prosecuting, defending, or attempting to settle the Pending Case.
11. The Protective Orders are further modified to permit the attorneys for the plaintiffs in each of the Pending Cases to discuss information designated by Google as Protected Material (as defined therein) with the attorneys for the plaintiffs in each of the Pending Cases, with such information then treated as Protected Material subject to the protective order in each such Pending Case and to be used solely for purposes of prosecuting, defending, or attempting to settle the Pending Case.

12. The parties in *Hewitt* are ordered to include within any protective order a provision permitting the disclosure and production of information designated by Google as protected material to the attorneys for the plaintiffs in each of the Pending Cases, with such information then treated as Protected Material subject to the protective order in each such Pending Case and to be used solely for purposes of prosecuting, defending, or attempting to settle the Pending Case.

13. The parties in *Hewitt* are furthered ordered to include within any protective order a provision permitting the attorneys for the plaintiffs to discuss information designated by Google as protected material with the attorneys for the plaintiffs in each of the Pending Cases, with such information then treated as Protected Material subject to the protective order in each such Pending Case and to be used solely for purposes of prosecuting, defending, or attempting to settle the Pending Case.

14. The protective order in effect in each Pending Case shall govern the handling by the parties to such Pending Case of Protected Material produced hereunder. Unless modified by Google, confidentiality designations applied in one Pending Case shall apply in all of the Pending Cases.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

Honorable Susan van Keulen  
United States Magistrate Judge

CASE NO. 5:20-cv-03664-LHK-SVK  
CASE NO. 5:20-cv-05146-LHK-SVK  
CASE NO. 5:21-cv-02155-LHK-SVK

[PROPOSED] ORDER RE: COORDINATION OF WRITTEN DISCOVERY

**SCHEDULE A**

***Brown v. Google***

**Plaintiffs**

Mark C. Mao (CA Bar No. 236165)  
mmao@bsfllp.com  
Beko Rebitz-Richardson (CA Bar No. 238027)  
brichardson@bsfllp.com  
BOIES SCHILLER FLEXNER LLP  
44 Montgomery Street, 41<sup>st</sup> Floor  
San Francisco, CA 94104  
Telephone: (415) 293 6858  
Facsimile (415) 999 9695

James W. Lee (*pro hac vice*)  
jlee@bsfllp.com  
Rossana Baeza (*pro hac vice*)  
rbaeza@bsfllp.com  
BOIES SCHILLER FLEXNER LLP  
100 SE 2<sup>nd</sup> Street, Suite 2800  
Miami, FL 33130  
Telephone: (305) 539-8400  
Facsimile: (305) 539-1304

William Christopher Carmody (*pro hac vice*)  
bcarmody@susmangodfrey.com  
Shawn J. Rabin (*pro hac vice*)  
srabin@susmangodfrey.com  
Steven Shepard (*pro hac vice*)  
sshepard@susmangodfrey.com  
Alexander P. Frawley (*pro hac vice*)  
afrawley@susmangodfrey.com  
SUSMAN GODFREY L.L.P.  
1301 Avenue of the Americas, 32<sup>nd</sup> Floor  
New York, NY 10019  
Telephone: (212) 336-8330

Amanda Bonn (CA Bar No. 270891)  
abonn@susmangodfrey.com  
SUSMAN GODFREY L.L.P.  
1900 Avenue of the Stars, Suite 1400  
Los Angeles, CA 90067  
Telephone: (310) 789-3100

John A. Yanchunis (*pro hac vice*)  
jyanchunis@forthepeople.com

CASE NO. 5:20-cv-03664-LHK-SVK  
CASE NO. 5:20-cv-05146-LHK-SVK  
CASE NO. 5:21-cv-02155-LHK-SVK

[PROPOSED] ORDER RE: COORDINATION OF WRITTEN DISCOVERY

1 Ryan J. McGee (*pro hac vice*)

rmcgee@forthepeople.com

2 Michael F. Ram CA Bar No. 104805

mram@forthepeople.com

3 MORGAN & MORGAN, P.A.

201 N Franklin Street, 7th Floor

4 Tampa, FL 33602

Telephone: (813) 223-5505

5 Facsimile: (813) 222-4736

6 Google

7 QUINN EMANUEL URQUHART & SULLIVAN, LLP

8 Andrew H. Schapiro (admitted *pro hac vice*)

andrewschapiro@quinnemanuel.com

10 191 N. Wacker Drive, Suite 2700

Chicago, IL 60606

11 Tel: (312) 705-7400

Fax: (312) 705-7401

12 Stephen A. Broome (CA Bar No. 314605)

13 sb@quinnemanuel.com

14 Viola Trebicka (CA Bar No. 269526)

violatrebicka@quinnemanuel.com

15 865 S. Figueroa Street, 10th Floor

Los Angeles, CA 90017

16 Tel: (213) 443-3000

17 Fax: (213) 443-3100

18 Diane M. Doolittle (CA Bar No. 142046)

dianedoolittle@quinnemanuel.com

19 555 Twin Dolphin Drive, 5th Floor

Redwood Shores, CA 94065

20 Telephone: (650) 801-5000

21 Facsimile: (650) 801-5100

22 Jomaire A. Crawford (admitted *pro hac vice*)

jomairecrawford@quinnemanuel.com

23 51 Madison Avenue, 22nd Floor

New York, NY 10010

24 Telephone: (212) 849-7000

Facsimile: (212) 849-7100

25 Josef Ansorge (admitted *pro hac vice*)

26 josefansorge@quinnemanuel.com

27 1300 I Street NW, Suite 900

CASE NO. 5:20-cv-03664-LHK-SVK

CASE NO. 5:20-cv-05146-LHK-SVK

CASE NO. 5:21-cv-02155-LHK-SVK

[PROPOSED] ORDER RE: COORDINATION OF WRITTEN DISCOVERY



1 Washington D.C., 20005

2 Tel: (202) 538-8000

3 Fax: (202) 538-8100

4 Jonathan Tse (CA Bar No. 305468)

5 jonathantse@quinnemanuel.com

6 50 California Street, 22nd Floor

7 San Francisco, CA 94111

8 Tel: (415) 875-6600

9 Fax: (415) 875-6700

10 ***Calhoun v. Google***

11 Plaintiffs

12 Lesley E. Weaver (Cal. Bar No. 191305)

13 Angelica M. Ornelas (Cal. Bar No. 285929)

14 Joshua D. Samra (Cal. Bar No. 313050)

15 BLEICHMAR FONTO & AULD LLP

16 555 12th Street, Suite 1600

17 Oakland, CA 94607

18 Tel.: (415) 445-4003

19 Fax: (415) 445-4020

20 lweaver@bfalaw.com

21 aornelas@bfalaw.com

22 jsamra@bfalaw.com

23 David A. Straite (admitted *pro hac vice*)

24 DICELLO LEVITT GUTZLER LLC

25 One Grand Central Place

26 60 East 42nd Street, Suite 2400

27 New York, New York 10165

28 Tel.: (646) 933-1000

dsraite@dicellolevitt.com

Amy E. Keller (admitted *pro hac vice*)

Adam Levitt (admitted *pro hac vice*)

Adam Prom (*pro hac vice* pending)

Ten North Dearborn Street

Sixth Floor

Chicago, IL 60602

Tel.: (312) 214-7900

akeller@dicellolevitt.com

alevitt@dicellolevitt.com

aprom@dicellolevitt.com

1 Jay Barnes  
2 Mitchell M. Breit (admitted *pro hac vice*)  
3 Jason 'Jay' Barnes (admitted *pro hac vice*)  
4 An Truong (admitted *pro hac vice*)  
5 Eric Johnson (admitted *pro hac vice*)  
6 SIMMONS HANLY CONROY LLC  
7 112 Madison Avenue, 7th Floor  
8 New York, NY 10016  
9 Tel.: (212) 784-6400  
10 Fax: (212) 213-5949  
11 mbreit@simmonsfirm.com  
12 jaybarnes@simmonsfirm.com  
13 atruong@simmonsfirm.com  
14 ejohnson@simmonsfirm.com

15 Google

16 QUINN EMANUEL URQUHART & SULLIVAN, LLP

17 Andrew H. Schapiro (admitted *pro hac vice*)  
18 andrewschapiro@quinnemanuel.com  
19 191 N. Wacker Drive, Suite 2700  
20 Chicago, IL 60606  
21 Tel: (312) 705-7400  
22 Fax: (312) 705-7401

23 Stephen A. Broome (CA Bar No. 314605)  
24 sb@quinnemanuel.com  
25 Viola Trebicka (CA Bar No. 269526)  
26 violatrebicka@quinnemanuel.com  
27 865 S. Figueroa Street, 10th Floor  
28 Los Angeles, CA 90017  
Tel: (213) 443-3000  
Fax: (213) 443-3100

Diane M. Doolittle (CA Bar No. 142046)  
dianedoolittle@quinnemanuel.com  
555 Twin Dolphin Drive, 5th Floor  
Redwood Shores, CA 94065  
Telephone: (650) 801-5000  
Facsimile: (650) 801-5100

Jomaire A. Crawford (admitted *pro hac vice*)  
jomairecrawford@quinnemanuel.com  
51 Madison Avenue, 22nd Floor

New York, NY 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100

Josef Ansorge (admitted *pro hac vice*)  
josefansorge@quinnemanuel.com  
1300 I Street NW, Suite 900  
Washington D.C., 20005  
Tel: (202) 538-8000  
Fax: (202) 538-8100

Jonathan Tse (CA Bar No. 305468)  
jonathantse@quinnemanuel.com  
50 California Street, 22nd Floor  
San Francisco, CA 94111  
Tel: (415) 875-6600  
Fax: (415) 875-6700

***Hewitt v. Google***

**Plaintiffs**

Lesley Weaver (Cal. Bar No. 191305)  
Matthew S. Melamed (Cal. Bar No. 260272)  
Anne K. Davis (Cal. Bar No. 267909)  
Angelica M. Ornelas (Cal. Bar No. 285929)  
Joshua D. Samra (Cal. Bar No. 313050)  
BLEICHMAR FONTI & AULD LLP  
555 12th Street, Suite 1600  
Oakland, CA 94607  
Tel.: (415) 445-4003  
Fax: (415) 445-4020  
lweaver@bfalaw.com  
mmelamed@bfalaw.com  
adavis@bfalaw.com  
aornelas@bfalaw.com  
jsamra@bfalaw.com

Elizabeth C. Pritzker (Cal. Bar No. 146267)  
Jonathan K. Levine (Cal. Bar No. 220289)  
Caroline C. Corbitt (Cal. Bar No. 305492)  
PRITZKER LEVINE LLP  
1900 Powell Street, Suite 450  
Emeryville, CA 94608  
Tel.: (415) 692-0772

1 Fax: (415) 366-6110  
2 ecp@pritzkerlevine.com  
3 jkl@pritzkerlevine.com  
4 ccc@pritzkerlevine.com

5 Mitchell M. Breit (*pro hac vice* to be sought)  
6 Jason 'Jay' Barnes (*pro hac vice*)  
7 An Truong (*pro hac vice*)  
8 Eric Johnson (*pro hac vice* to be sought)  
9 SIMMONS HANLY CONROY LLC  
10 112 Madison Avenue, 7th Floor  
11 New York, NY 10016  
12 Tel.: (212) 784-6400  
13 Fax: (212) 213-5949  
14 mbreit@simmonsfirm.com  
15 jaybarnes@simmonsfirm.com  
16 atruong@simmonsfirm.com  
17 ejohnson@simmonsfirm.com

18 David A. Straite (admitted *pro hac vice*)  
19 DICELLO LEVITT GUTZLER LLC  
20 One Grand Central Place  
21 60 East 42nd Street, Suite 2400  
22 New York, New York 10165  
23 Tel.: (646) 933-1000  
24 dstraite@dicellolevitt.com

25 Amy E. Keller (admitted *pro hac vice*)  
26 Adam Levitt (admitted *pro hac vice*)  
27 Adam Prom (*pro hac vice* pending)  
28 Ten North Dearborn Street  
Sixth Floor  
Chicago, IL 60602  
Tel.: (312) 214-7900  
akeller@dicellolevitt.com  
alevitt@dicellolevitt.com  
aprom@dicellolevitt.com

Google

COOLEY LLP  
MICHAEL G. RHODES (SBN 116127)  
(rhodesmg@cooley.com)  
JEFFREY M. GUTKIN (SBN 216083)  
(jgutkin@cooley.com)

CASE NO. 5:20-cv-03664-LHK-SVK  
CASE NO. 5:20-cv-05146-LHK-SVK  
CASE NO. 5:21-cv-02155-LHK-SVK

[PROPOSED] ORDER RE: COORDINATION OF WRITTEN DISCOVERY

1 DANIELLE C. PIERRE (SBN 300567)  
2 (dpierre@cooley.com)  
3 KELSEY R. SPECTOR (SBN 321488)  
4 (kspector@cooley.com)  
5 COLIN S. SCOTT (SBN 318555)  
6 (cscott@cooley.com)  
7 101 California Street, 5th Floor  
8 San Francisco, California 94111-5800  
9 Telephone: (415) 693 2000  
10 Facsimile: (415) 693 2222  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CASE NO. 5:20-cv-03664-LHK-SVK  
CASE NO. 5:20-cv-05146-LHK-SVK  
CASE NO. 5:21-cv-02155-LHK-SVK

[PROPOSED] ORDER RE: COORDINATION OF WRITTEN DISCOVERY